

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X

ABETH HASHIMI,

Plaintiff,

-against-

BICU'S PLAYGROUND LLC and DANI PIZZA &  
REST. CORP,

Case No.: 1:24-cv-1571 (EK) (RML)

**REPLY DECLARATION OF  
EMANUEL KATAEV, ESQ. IN  
FURTHER SUPPORT OF  
MOTION TO DISMISS FOR  
FAILURE TO PROSECUTE**

Defendants.

-----X

Emanuel Kataev, Esq. declares, pursuant to 28 U.S.C. § 1746, under penalty of perjury, that the following is true and correct:

1. I am admitted to practice before this Court and am a member of Sage Legal LLC, who are the attorneys for the Defendants in this case.
2. As such, I am familiar with all the facts and circumstances heretofore had herein based upon my personal knowledge and a review of the file maintained by this office.
3. On October 21, 2024, I conducted a search on [www.pacer.gov](http://www.pacer.gov), the federal court website to obtain Public Access to Court Electronic Records (“PACER”), and searched for all cases filed by Abeth Hashimi, the Plaintiff in this case, resulting in a listing of forty-seven (47) cases. A true and accurate copy of the search results is annexed hereto as **Reply Exhibit “A.”**
4. I respectfully request that this Court grant the relief requested in Defendants' motion to dismiss for failure to prosecute pursuant to Rule 41 of the Federal Rules of Civil Procedure.

I declare under penalty of perjury that the foregoing is true and correct. Executed on October 21, 2024.

*/s/ Emanuel Kataev, Esq.*  
Emanuel Kataev, Esq.

**VIA ECF**

Barducci Law Firm, PLLC  
Attn: Maria-Costanza Barducci, Esq.  
5 West 19th Street, 10th Floor  
New York, NY 10011-4216  
mc@barduccilaw.com

*Attorneys for Plaintiff*  
*Abeth Hashimi*

**VIA ECF**

United States District Court  
Eastern District of New York  
Attn: Hon. Robert M. Levy, U.S.M.J.  
225 Cadman Plaza East  
Courtroom 11B South  
Brooklyn, NY 11201-1804